

REMARKS

Claims 1-16 remain in the application including independent claims 1, 8 and 14. New claims 17-25 have been added including independent claim 20.

Claims 6, 10, 11, and 14-16 have been amended to overcome the 35 U.S.C. 112, second paragraph rejections. Additional amendments have been made to the specification and the claims to provide consistent terminology throughout the description and claims. No substantive amendments have been made to claims 1-16 in response to any prior art rejections set forth in the subject official action.

Replacement drawings are being submitted with the present amendment. Figure 3 has been revised to correspond to the already existing configurations shown in Figures 1, 2, and 4, and to match the description in the application. No new matter has been added.

Claims 1-4 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bramer (EP 0742113). Claims 1 and 8 both require a locating plate that is attachable to a vehicle and an air spring that is pivoted into engagement with the locating plate by a longitudinal member.

Bramer discloses a trailing arm 3 that supports a bellows 8 with an upper fitting 10. A counterpart 12 is attached to the chassis 1 and interacts with upper fitting 10 as bellows 8 is pivoted. Figures 1-8 clearly show that the counterpart 12 is formed as a tube. The examiner argues that Bramer teaches a longitudinal member 3, an air spring 8, and a locating plate 12 attached to a vehicle. Thus, the examiner is arguing that Bramer's tube 12 corresponds to Applicant's claimed "locating plate."

Applicant disagrees. A tube is not a plate. While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be

consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Here, the examiner has improperly expanded the meaning to be given to the term “locating plate.” Applicant’s locating plate is clearly shown in Figures 1, 2, and 4 and described in the accompanying specification as a generally flat plate having a center portion that is attached to the chassis. The locating plate has an engagement surface that selectively engages the air spring. The locating plate also includes a frusto-conical lip that is formed about the perimeter of the plate. The lip facilitates alignment of the air spring. One of ordinary skill in the art simply would not consider the tubular counterpart of Bramer as corresponding to the claimed locating plate. Thus, Bramer does not anticipate claim 1. For similar reasons, claim 8 is also allowable over Bramer.

Further, Bramer does not anticipate claim 4. Claim 4 includes the feature of a lip formed about the perimeter of the locating plate. The examiner simply states that the tube 12 in Bramer has a lip. There is no lip shown on the tube 12 in any of the figures in Bramer. There is also no discussion in Bramer of the tube 12 having a lip.

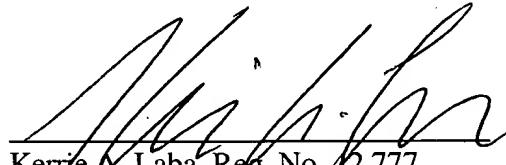
Thus, for the reasons set forth above, the rejection of claims 1-4 and 8 under 35 U.S.C. 102(b) is improper.

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

Bramer in view of Gottschalk. For the reasons set forth above, Bramer does not disclose, suggest, or teach a locating plate as set forth in claim 8. Gottschalk does not make up for the deficiencies of Bramer.

Applicant believes that all claims are in condition for allowance. An indication of such is requested. Fees in the amount of \$176.00 are paid by the attached check. Applicant believes that no additional fees are required, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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Dated: June 11, 2004

CERTIFICATE OF MAIL

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of June, 2004.



Laura Combs